

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

FRANCISCO MERCADO HERNANDEZ  
RUTH DALIA ALVAREZ MARTINEZ  
DEBTOR(S)

CASE 10-05197-BKT  
CHAPTER 13

**TRUSTEE'S REPORT ON CONFIRMATION**

1. A meeting of creditors pursuant to Section 341 was held on **July 21, 2010**. The meeting was (was not) duly attended by debtor(s) and their attorney.

2. The liquidation value of the estate has been determined to be: \$32,011 (PV: \$37,128)

3. With respect to the attached payment plan:

AMENDED PLAN DATE: August 20, 2010

PLAN BASE: \$32,918.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 9/28/2010

☐

FAVORABLE

☒

UNFAVORABLE

1. ☐ FEASIBILITY 11 USC § 1325(a)(6):

2. ☐ INSUFFICIENTLY FUNDED § 1325(b) :

3. ☐ UNFAIR DISCRIMINATION § 1322(b):

4. ☒ FAILS LIQUIDATION VALUE TEST § 1325(a)(4):

PLAN DOES NOT PAY THE LIQ. VALUE ASSESSED BY TRUSTEE AND THUS, TRUSTEE OBJECTS PLAN THAT STATES LESSER LIQ. VALUE. PLAN INSUFFICIENT TO PAY LIQ. VALUE.

5. ☒ FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):

DEBTORS HAVE NOT AMENDED SCHEDULE "I" TO INCLUDE AMOUNT BEING RECEIVED BY THIRD PARTY TO PAY FB AUTO LOAN.

6. ☐ DOES NOT PROVIDE FOR SECURED CREDITOR § 1325(a)(5):

7. ☒ OTHER:

IN COMPLIANCE WITH THIS HONORABLE COURT'S ORDER IN DOCKET 17, THE TRUSTEE SUBMITS THAT HIS MOTION TO DISMISS SHOULD BE GRANTED INsofar AS DEBTORS HAVE NOT SUCCESSFULLY ADDRESSED THE CONFIRMATION ISSUES OVER DISPOSABLE INCOME AND LIQUIDATION VALUE TEST.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

Atty Fee:\$3,000.00 /\$426.00/\$2,574.00

Atty: JUAN O CALDERON

/s/ Miriam Salwen Acosta

Miriam Salwen Acosta

USDC # 208910

For:

**ALEJANDRO OLIVERAS RIVERA**

Chapter 13 Trustee

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